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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 RAYMOND A. GARRETT,

11 Petitioner,

12 vs.

13 BRIAN E. WILLIAMS, *et al.*,

14 Respondents.
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Case No. 2:15-cv-00186-RCJ-CWH

ORDER


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18 This is a *pro se* habeas action pursuant to 28 U.S.C. § 2254. On September 1, 2015, respondents
19 moved to dismiss the petition as untimely (ECF No. 10). On October 8, 2015, petitioner filed a motion
20 for voluntary dismissal (ECF No. 15). Petitioner requests that the court dismiss his petition and states
21 that he brings this motion with “free will and understanding” and no longer wishes to “appeal” in this
22 case. *Id.* at 2. Accordingly, the court grants petitioner’s motion and dismisses the petition without
23 prejudice pursuant to Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure.

24 **IT THEREFORE IS ORDERED** that petitioner’s voluntary motion to dismiss the petition
25 (ECF No. 15) is **GRANTED**. The petition is dismissed without prejudice.

26 **IT IS FURTHER ORDERED** that petitioner’s motion for appointment of counsel (ECF No.
27 9) is **DENIED** as moot.
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IT FURTHER IS ORDERED that the Clerk shall **ENTER JUDGMENT** accordingly and close this case.

015.



UNITED STATES DISTRICT JUDGE